

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JUNE 27, 1989
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor McCarty at 10:53 a.m. The meeting was recessed by Deputy Mayor McCarty at 11:55 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:05 p.m. with Council Members Roberts, Pratt, Struiksma, and Filner not present. Mayor O'Connor adjourned the meeting at 2:22 p.m. to meet immediately in closed session on pending litigation in the twelfth floor conference room and to meet thereafter in the Chambers as the Housing Authority.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member McColl-present
 - (4) Council Member Pratt-present
 - (5) Council Member Struiksma-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Fishkin/Abdelnour (tm/eb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor O'Connor-not present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-present
- (5) Council Member Struiksma-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present

(8) Council Member Filner-not present

ITEM-50: (O-89-204) REINTRODUCED AS AMENDED

Amending Chapter X, Article 1, Division 1, of the San Diego Municipal Code, by adding Section 101.0101.96 relating to Residential Care Facilities; and amending Chapter X, Article 1, Division 5, by amending Section 101.0510, and by adding Section 101.0581, relating to Conditional Use Permits for Residential Care Facilities. (Introduced as amended on 6/13/89. Council voted 7-0. Districts 1 and 2 not present.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A083-508.)

Motion by McColl to adopt as amended adding the amendments proposed by Rebecca Michael. No second.

Motion by Pratt to reintroduce as amended with the changes proposed by Rebecca Michael, but to Grandfather the pipeline cases. Second by Struiksmma. No vote.

Motion by Henderson to continue item to refer it back to the Transportation and Land Use Committee. Second by Roberts. No vote.

MOTION BY PRATT TO REINTRODUCE AS AMENDED TO ALLOW FOR DISCRETIONARY REVIEW, TO GRANDFATHER THE PIPELINE CASES AND TO DELETE THE LIQUOR CLAUSE FROM THE ORDINANCE AND REFER THAT ISSUE TO THE TRANSPORTATION AND LAND USE COMMITTEE. Second by McColl.

Passed by the following vote: Wolfsheimer-nay, Roberts-yea, McColl-yea, Pratt-yea, Struiksmma-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-130: (R-89-2567) ADOPTED AS RESOLUTION R-273883

Authorizing the execution of an agreement with Balboa Travel, for the booking of substantially all of the City's travel arrangements; authorizing the City Manager to establish an air travel credit account with American Airlines, Inc. for the purposes of the above agreement. (See City Manager Report CMR-89-302.)

FILE LOCATION: MEET CONTFY89-1

COUNCIL ACTION: (Tape location: A548-526.)

MOTION BY McCOLL TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-330:

Two actions relative to the Sabre Springs Facilities Benefit Assessment:

(Sabre Springs Community Area. District-1.)

Subitem-A: (R-89-2321) ADOPTED AS RESOLUTION R-273884

Designating an area of benefit in Sabre Springs and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to said Public Facilities Projects, the method for apportioning the costs of said Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering the proposed Public Facilities Project in the matter of the Sabre Springs Facilities Benefit Assessment Area.

Subitem-B: (R-89-2330) ADOPTED AS RESOLUTION R-273885

Declaring the assessment fee schedule contained in the Sabre Springs Public Facilities Financing Plan, as adopted and approved in Resolution R-273604, to be an appropriate and applicable Development Impact Fee for all properties within the Sabre Springs Community that have either never been assessed under the Sabre Springs Public Facilities Financing Plan or have not otherwise agreed to the payment of Facilities Benefit Assessment fees as prescribed by the City Council.

FILE LOCATION: STRT FB-9

COUNCIL ACTION: (Tape location: A526-527.)

Hearing began at 11:34 a.m. and halted at 11:37 a.m.

MOTION BY WOLFSHEIMER TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-not

present, Mayor O'Connor-not present.

ITEM-331:

Two actions relative to the Penasquitos East Facilities

Benefit Assessment:

(Located west of I-15 between Mira Mesa and Rancho Bernardo
Community Areas. District-1.)

Subitem-A: (R-89-2315) ADOPTED AS RESOLUTION R-273886

Designating an area of benefit in Penasquitos East and the boundaries thereof, confirming the description of public facilities projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in facilities benefit assessments, and proceedings thereto, and ordering the proposed Public Facilities Project in the matter of the Penasquitos East Facilities Benefit Assessment Area.

Subitem-B: (R-89-2325) ADOPTED AS RESOLUTION R-273887

Declaring the assessment fee schedule contained in the Penasquitos East Public Facilities Financing Plan, as adopted and approved in Resolution R-273602, to be an appropriate and applicable Development Impact Fee for all properties within the Penasquitos East Community that have either never been assessed under the Penasquitos East Public Facilities Financing Plan or have not otherwise agreed to the payment of Facilities Benefit Assessment fees as prescribed by the City Council.

FILE LOCATION: STRT FB-5

COUNCIL ACTION: (Tape location: B004-041.)

Hearing began at 11:37 a.m. and halted at 11:40 a.m.

MOTION BY WOLFSHEIMER TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-332: RETURNED TO THE PLANNING DEPARTMENT FOR A PID

Rezoning approximately 0.91-acres located on the west side of Mercury Street between Clairemont Mesa Boulevard and Raytheon Road, in the Serra Mesa Community Plan area, from Zone M-1B to Zone M-1A, to allow future development of the site with uses consistent with Zone M-1A. The subject property is further described as Lot 2, Empire Development, Unit 6, Map-8813.

(Case-88-1122. District-5.)

Subitem-A: (R-89-2418)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-88-1122 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-89-232)

Introduction of an Ordinance for M-1A Zoning.

FILE LOCATION: ZONE Ord. No.

COUNCIL ACTION: (Tape location: A055-082.)

Testimony in opposition to the continuance by Shorty Beights.

MOTION BY STRUKSMA TO RETURN TO THE PLANNING DEPARTMENT FOR A PID AND TO DIRECT PLANNING TO SEND A LETTER TO THE APPLICANT EXPLAINING THIS CONTINUANCE. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

Jun-27-1989

ITEM-333: (R-89-) SET FOR A NEW HEARING ON JULY 11, 1989,
10:00 a.m.

Appeal of Derek A. Crider, from the decision of the Planning Director in granting Early Release Single-Family Neighborhood Protection Ordinance Case-89-3005, which requests an early release from this restriction to determine if the property at 4573 Bancroft Street, is located within a single-family neighborhood. The subject property is further described as Lot 4, Block 57 of Normal Heights Map-985, in Zone MR-2500 (Multi-Family), in the

Mid-City Community Plan area.

(Case-89-3005. District-3.)

Adoption of a Resolution granting or denying the appeal and granting or denying the early release, with appropriate findings to support Council action.

FILE LOCATION: ZONE ERSFNPO Case-89-3005

COUNCIL ACTION: (Tape location: B041-209, C107-180.)

Hearing began at 11:40 a.m. and halted at 11:54 a.m.

Testimony in favor by Derek A. Crider.

Testimony in opposition by Gary Taylor.

MOTION BY McCOLL TO GRANT THE APPEAL AND DENY THE EARLY RELEASE.

Second by Henderson. Failed by the following vote:

Wolfsheimer-yea, Roberts-nay, McColl-yea, Pratt-nay, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

Note: Deputy City Attorney Fred Conrad ruled that the item is deemed denied due to a lack of five affirmative votes, therefore the decision of the lower body stands.

Motion by Roberts to reconsider. No second.

Reconsideration was taken at 2:15 p.m. and halted 2:21 p.m.

MOTION BY ROBERTS TO RECONSIDER COUNCIL'S ACTION TAKEN IN THE MORNING SESSION. Second by Henderson. Passed by the following

vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY HENDERSON TO SET THE HEARING FOR 10:00 A.M., JULY 11, 1989. Second My McColl. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Jun-27-1989

ITEM-334: CONTINUED TO JULY 11, 1989 AT 10:00 A.M.

Appeal of Southeast San Diego Development Committee, by Verna M. Quinn, from the decision of the Planning Commission in approving Southeast San Diego Development Permit/Conditional Use Permit 88-0917, which proposes a work furlough facility at 624 25th Street, in Zone CSF-2/R-3000, in the Southeast San Diego Community Plan area. The subject property, a 4,500 square-foot lot with an existing single-family structure, is more particularly described as Lots 1, 2, 3 and 4 except the north 95 feet

thereof in Block 8, Breed and Chase Subdivision, according to the maps in Book 14, Page 640 of deeds.

(SESDDP/CUP-88-0917. District-8.)

Subitem-A: (R-89-)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-88-0917 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-89-)

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: PERM - SESDDP/CUP-88-0917

COUNCIL ACTION: (Tape location: A023-040.)

MOTION BY PRATT TO CONTINUE AT THE REQUEST OF Verna Quinn to ALLOW COUNCIL MEMBER FILNER, WHO WAS ON JURY DUTY, TO BE PRESENT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-335:

(Continued from the meeting of June 13, 1989, Item 330, at Council Member Filner's request, to allow the Planning Group to meet.)

Rezoning a 2.4-acre site located at the southwest intersection of Palm Avenue and My Way, in the Otay Mesa-Nestor Community Plan area, from Zone R1-20000 to Zone R1-8000. The subject property is more particularly described as the west half of the north half of the west half of the west half of the northeast quarter of the northwest quarter of Section 27, Township 18 South, Range 2 West, S.B.B.M.

(Case-88-0732. District-8.)

Subitem-A: (R-89-2188) ADOPTED AS RESOLUTION R-273888

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-88-0732 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-89-223) INTRODUCED, TO BE ADOPTED JULY 10, 1989

Introduction of an Ordinance for R1-8000 Zoning.

FILE LOCATION: ZONE Ord. No.

COUNCIL ACTION: (Tape location: B209-219.)

Hearing began at 11:55 a.m. and halted at 11:55 a.m.

MOTION BY PRATT TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-336: RETURNED TO THE PLANNING DEPARTMENT

(Continued from the meetings of May 9, 1989, Item 330, May 23, 1989, Item 335 and June 13, 1989, Item 335; last continued at the Planning Department's request, for further review.)

The following project (Crosstown/B Club Suites) is subject to City Council review according to the provisions of the Centre City Emergency Ordinance and Overlay Zones.

The project is a proposed 15 story apartment tower containing 153 units with five levels of parking (one below grade) and 5,285 square feet of retail located on the west side of Eleventh Avenue between B and C Streets. The project requires a variance from the permitted FAR (Floor Area Ratio) of 10.0 to 10.37. The subject property is more particularly described as Lots J, K and L, Block 23, Horton's Addition, in the Centre City Overlay Zone.

(Case-89-0156. District-8.)

Subitem-A: (R-89-1943)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-89-0156 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by

the Council.
Subitem-B: (R-89-1942)

Adoption of a Resolution approving the project.
PLANNING DEPARTMENT SUPPORTING INFORMATION:
The proposed project is a 15 story apartment tower, containing 153 units (88 studios and 64 one bedroom) with five levels of parking, one below grade and 5,285 square feet of commercial at street level. The project is in the core area of Centre City, and according to the Emergency Ordinance has an FAR of 10.0 and height governed by the Airport Approach Overlay Zone. The project has an FAR of 10.37 and is 158 feet in height. The project has been reviewed according to the Centre City Overlay Zone.

Vehicular Access - Maximum linear feet of curb cut is indicated at 42 feet where 30 is permitted. A maximum curb cut for one-way traffic is 12 feet.

Parking - Parking facilities with three or more levels of above-grade parking shall be contained within the structure and architecturally enclosed. The openings for garage ventilation are recessed and covered with grill work.

Street Level Development - Both the B and Eleventh Street frontages surpass the 40 percent requirement for ground floor activity. Fifty-nine percent of B street is devoted to commercial use and see-thru glass windows while close to seventy-five percent of Eleventh Street is in commercial space use or lobby area for the residential tower.

FAR - The amount of FAR .37 that exceeds the permitted 10.0 is approximately 5,500 square feet. In terms of the desired overall goal of developing residential in Centre City, this square footage appears to be very minimal. The proposed improvement will fulfill an individual and or community need and will not adversely affect the conditions that have been applied, will not be detrimental to the health, safety and general welfare of persons residing or working in the area; and will meet the purpose and intent of this ordinance.

Signage - A comprehensive sign plan will be required.

Rooftops - All mechanical equipment shall be screened.

Public Right-of-Way - The project cost will exceed \$250,000, therefore, certain ROW improvements are required including decorative lights, street trees and upgraded sidewalks.

The Planning Department recommends approval subject to installment of public right-of-way improvements, submittal of sign plan and review by the City Engineer.

FILE LOCATION: PERM - Centre City Planned Dist. Permits
Case-89-0156

COUNCIL ACTION: (Tape location: A012-023.)

MOTION BY PRATT TO RETURN TO THE PLANNING DEPARTMENT AT THE REQUEST OF MIKE STEPNER. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-337: (R-89-2512) NOTED AND FILED

Requesting SANDAG to incorporate onto their acquisition list, without assigning a priority to such acquisition, the 6 acres of real property located within the planning area of the San Dieguito Regional Open Space Park and commonly known as the Moshtaghi Development Project No. 88-0854; declaring that this request shall not preclude the current property owner or any future property owners from using or developing this real property consistent with applicable land use regulations or processing requests for approval of changes to zoning regulations or plan amendments.

(See Committee Consultant Analysis TLU-89-19 and memorandum from the Planning Director dated 5/17/89. Torrey Pines Community Area. District-1.)

COMMITTEE ACTION: Initiated by TLU on 5/22/89.

Recommendation to approve the incorporation of 6.18 acres onto the SANDAG acquisition list without a priority attached to it. Further stating that this action is not in any way intended to preclude the continued use of property in a manner consistent with existing zoning and land use regulations. Districts 1, 2, and 4 voted yea. Districts 5 and 8 not present.

FILE LOCATION: PERM HRP-88-0854

COUNCIL ACTION: (Tape location: A040-055.)

MOTION BY WOLFSHEIMER TO NOTE AND FILE. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-338: CONTINUED TO JULY 11, 1989, 10:00 A.M.

Appeal of Wallace F. Zager Trust, dba Border Station Parking, by Sandra J. Brower, Attorney, from the decision of the Planning Commission in approving, with modifications, Tentative Map TM-88-1198 (San Ysidro Parking Lot), proposing a four-lot subdivision. The subject property is located on the south side of Camino Camiones Way, between I-5 and Virginia Avenue, in Zone A-1-1, in the San Ysidro Community Plan area, and is further described as a portion of Blocks 21, 22, 23 and 24 of Tia Juana City Map-282 and Map-562.

(TM-88-1198. District-8.)

Subitem-A: (R-89-)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-88-1198 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-89-)

Adoption of a Resolution granting or denying the appeal and granting or denying the map, with appropriate findings to support Council action.

NOTE: See Item 33 on the docket of Monday, June 26, 1989.

FILE LOCATION: Subitems A and B SUBD San Ysidro Parking Lot

COUNCIL ACTION: (Tape location: C029-050.)

MOTION BY McCOLL TO CONTINUE TO JULY 11, 1989, 10:00 A.M. TO BE HEARD WITH THE HEARING ON CUP-C-20165 SET FOR THAT DATE. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, McColl-yea, Pratt-not present, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S500: (O-89-244) INTRODUCED AND ADOPTED AS ORDINANCE
O-17317 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-17122 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1988-89 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year", by amending Document No. 00-017122-1, as amended and adopted therein, by transferring the Sign Code Enforcement Program from

the Building Inspection Enterprise Fund (41301), Dept. 06600, to the General Fund 100, Dept. 06500, and increasing the General Fund by the sum of \$157,000, said monies to come from the Sign Code Program unanticipated revenues.

(See City Manager Report CMR-89-317.)

Aud. Cert. 8901097.

NOTE: The first public hearing of this Ordinance was held on Monday, June 26, 1989, Item S410.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A508-548.)

MOTION BY PRATT TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT ITEM-S500 AND ADOPT ITEM-S501. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S501: (R-89-2625) ADOPTED AS RESOLUTION R-273889

Authorizing the City Manager to negotiate and execute a contract with Nuffer, Smith, Tucker, Inc. to prepare a five-year marketing plan for downtown San Diego, for an amount no greater than \$35,000.

(Centre City Community Area. District-8.)

Aud. Cert. 8901104.

FILE LOCATION: MEET CCONFY89-1

COUNCIL ACTION: (Tape location: A508-548.)

MOTION BY PRATT TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT ITEM-S500 AND ADOPT ITEM-S501. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Wolfsheimer commented on her desire to reconsider ITEM-32 of June 26, 1989 meeting and a review of

City Attorney Witt's ruling on the procedure for reconsiderations to see if it could be simplified.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C050-106.)

PUBLIC COMMENT:
None.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 2:22 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C180).